

87-1502

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Supreme Court, U.S.

FILED

FEB 10 1988

JOSEPH F. SPANIOL, JR.  
CLERK

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**IN THE SUPREME COURT  
OF THE UNITED STATES  
OCTOBER TERM, 1987**

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GEORGE GORDON

PETITIONER,

v.

PATRICIA GORDON

RESPONDENT.

---

PETITION FOR WRIT OF CERTIORARI TO  
THE MISSOURI COURT OF APPEALS FOR  
THE SOUTHERN DISTRICT, DIVISION TWO

---

GEORGE GORDON  
P.O.BOX 297  
ISABELLA, MO  
65676  
(417) 273-4967



# \_\_\_\_\_

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## QUESTION PRESENTED FOR REVIEW

1. Can a Judge deliberately schedule the only trial dates on the Petitioner's Holy Days, for the purposes of defeating the Petitioner's Right of Hearing?

2. Can a Court determine the date on which the Feast of Tabernacles is held by the Jewish calendar, therefor enforcing either the Jewish, or Christian, religions upon the Petitioner, who practices neither but instead follows the Laws of the Bible?

Prefix



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**IN THE SUPREME COURT  
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OCTOBER TERM, 1987**

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GEORGE GORDON,

PETITIONER,

V.

PATRICIA GORDON,

RESPONDENT.

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**PETITION FOR WRIT OF CERTIORARI  
TO THE MISSOURI COURT OF  
APPEALS FOR THE SOUTHERN  
DISTRICT, DIVISION TWO**

The Petitioner, George Gordon, respectfully asks that a Writ of Certiorari be issued to review the judgement of the



Missouri Court of Appeals for the Southern District, Division Two, entered on October 23, 1987.

### **OPINION BELOW**

On October 23, 1987, the Missouri Court of Appeals, Southern District, Division Two entered an opinion upholding the decision of the Circuit Court of Howell County, Missouri, entered against the Petitioner on October 7, 1986. The Order is entered as Exhibit "A"



## **JURISDICTION**

On October 23, 1987, the Missouri Court of Appeals, Southern District, Division Two entered it's opinion affirming the decision, and actions, of Howell County Circuit Judge John C. Holstein, and stating that the Petitioner's argument as to the religious aspects of the case were wrong as shown by the Encyclopedia Judaica. The jurisdiction of this Court is therefore invoked under Title 28, United States Code, Section 1257.

## **CONSTITUTIONAL PROVISION** **INVOLVED**

United States Constitution, Amendment 1:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...





## STATEMENT OF THE CASE

On October 23, 1987, the Missouri Court of Appeals, Southern District, Division Two entered an affirmation of a decision made on October 7, 1986 by Judge John C. Holstein of the Circuit Court of Howell County Missouri, in the matter of child support under the Uniform Reciprocal Enforcement of Support Law, §§ 454.010 - 454.030, RSMo 1986. A timely petition for rehearing was submitted, and denied on November 13, 1987. This is entered as Exhibit "B". A subsequent Motion for Transfer to the Supreme Court of the State of Missouri was denied by the Court of Appeals on December 3, 1987, for not being submitted timely, even though the Missouri Rules of Court Rule 44.01 (e) added three (3) days to the time allowed for filing, as



the announcement of denial for rehearing was delivered by mail, the papers requesting transfer to the Missouri Supreme Court were sent to the court on November 27, 1987, and the date for being out of time was December 1, 1987. The order refusing transferral is entered as Exhibit "C". This unjust, and illegal, denial for Transfer to the Supreme Court of the State of Missouri effectively exhausted the Petitioner's remedies in the State Courts, thus leaving only this Court to appeal to for a remedy.

## **REASONS FOR GRANTING** **THIS WRIT**

Where the Court imposes it's own, or another's, religious beliefs and practices upon the Petitioner it is in direct opposition to both the wording and intent of the First



Amendment to the United States Constitution. This violates the Petitioner's right to due process, which demands that rulings arrived at in such a manner be reversed.

In this case the Petitioner was ready for trial, and enroute to the Howell County Court on July 3, 1986, when he was arrested on a collateral matter and incarcerated, thereby preventing him from attending court. The Howell County Court then set a date to reschedule the trial. On August 17, 1986, the Petitioner submitted a list of Holy Days, upon which he could not attend court (September 16, 26, 30 and October 7, 1986). Judge Holstein rescheduled October 7, 1986 as the new court date, denied the Petitioner's Motion to Reschedule (entered as Exhibit "D"), and when the Petitioner did not appear on October 7,



rendered summary judgement against the Petitioner. This deliberate disregard on the part of the Howell County Court is in direct contravention to Cantwell v. State of Connecticut (310 US 296 at 303) in which this Court states the First Amendment "safeguards the free exercise of the chosen form of religion". Judge Holstein, by deliberately acting in the fashion he did, tried to stop the Petitioner's free exercise of his religious beliefs, and, in fact, tried to force the Petitioner to conform to the Court's religious ideas, which is directly forbidden by Cantwell, wherein it states that the First Amendment "forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship".

The Missouri Court of Appeals, Southern District, Division Two then used the Encyclopedia Judaica (Exhibit "A") to show





that the Petitioner's claims were unfounded, which is in contravention to United States v. Ballard (322 US 78 at 87) which states:

"Many take their gospel from the New Testament. But it would hardly be supposed that they could be tried before a jury charged with the duty of determining whether those teachings contained false representations. The miracles of the New Testament, the Divinity of Christ, life after death, the power of prayer are deep in the religious convictions of many. If one could be sent to jail because a jury in a hostile environment found those teachings false, little indeed would be left of religious freedom... They (The Fathers of the Constitution) fashioned a charter of government which envisaged the widest possible toleration of conflicting views. Man's relation to his God was made no concern of the state..."

The Courts of Missouri have tried to compel the Petitioner to observe the Court's Holy Days and beliefs, then punished him because he would not. The initial at-



tempt by the Howell County Court to force the Petitioner to disobey the Laws of the Bible by going to court on a Holy Day, and the later attempt of the Missouri Court of Appeals to force the Petitioner into a religious mold of the Court's decision are not only against the First Amendment, and established Court precedent, but also against all the traditions of American justice and freedom.

### CONCLUSION

For the foregoing reasons, Petitioner George Gordon respectfully requests that a Writ of Certiorari be issued to review the judgement of the Missouri Court of Appeals, Southern District, Division Two.



Dated this 8 day of March, 1988

Respectfully submitted,

George Gordon

George Gordon, Pro Se

P.O.Box 297

Isabella, MO 65676

(417) 273-4967



**IN THE MISSOURI COURT  
OF APPEALS**

Southern District

Division Two

Patricia Gordon

Plaintiff-Respondent

v.

# 14982

George Kay Gordon a/k/a

George Kenneth Gordon

Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF

HOWELL COUNTY

Honorable John C. Holstein, Judge

AFFIRMED

Exhibit "A"





Plaintiff sought to recover child support from defendant under the Uniform Reciprocal Enforcement of Support Law, §§ 454.010 - 454.030, RSMo 1986. Defendant answered and trial was set for October 7, 1986. Thereafter, on September 16, 1986, defendant requested a continuance from that trial setting. The trial court set a hearing for October 6, 1986 on the motion requesting a continuance. Defendant did not appear at that hearing nor did he appear at the time of trial. Judgement for child support was entered against him on October 7, 1986.

On appeal defendant contends that a continuance should have been granted because he could not appear on October 7, 1986, as it was "The Last Great Day, which is a sabbath". In his motion for a continuance defendant indicates that the "Last



Great Day" is a part of the "Feast of Tabernacles". Page 4 of defendant's brief says "In 1986, this festival was from September 29, at sundown, to October 7, at sundown". Page 5 of his brief states, "The Feast of Tabernacles lasts seven (7) days through October 6, but October 6 is not a Holy Day, it is a festival day." His motion for continuance stated that: "Feast of Tabernacles. Begins sunset Sept. 28, through sunset Oct. 7th, 1986. Lev. 23: 33 - 44." Attached to his motion and made "a part thereof is a brochure explaining the dates of the holy days."

That attachment does not indicate to us that October 7, 1986 was a sabbath. The only date mentioned in it is "Sunday, September 29th". The attachment could be construed as indicating that the feast started that evening. The last time



September 29 was a Sunday was in 1985. Our research indicates that in 1985 the Feast of Tabernacles began on September 29 and ended on October 7, and in 1986 it began on October 17 and ended on October 25. See 1 Encyclopedia Judaica 142 (1972) The attachment to the motion is set forth below.<sup>1</sup>

Defendant states in his brief "that the truth behind this case is religious persecution of the Appellant as the complaint in this case is not true, nor are the children in this case mine." Defendant says that he was given four possible trial dates, September 16, September 25, September 30, or October 7, 1986. He asserts that "[t]hese dates coincide perfectly with the Holy Days, and it was no accident that Judge Holstein picked these four dates, then chose October 7 as trial date. It was



picked deliberately, over and above my objections and against my will, by Judge Holstein, with Prosecuting Attorney John Jacobs [who represented the plaintiff], because they are Masonic brothers and have a secret oath to protect and aid one another."

Defendant states that as Masons the trial judge and the prosecuting attorney, the sheriff, a state trooper and a federal judge have conspired to "perpetuate religious persecution" of him. He contends that because of an oath they have taken, he cannot receive "any attendable trial" date from those officials.<sup>2</sup>

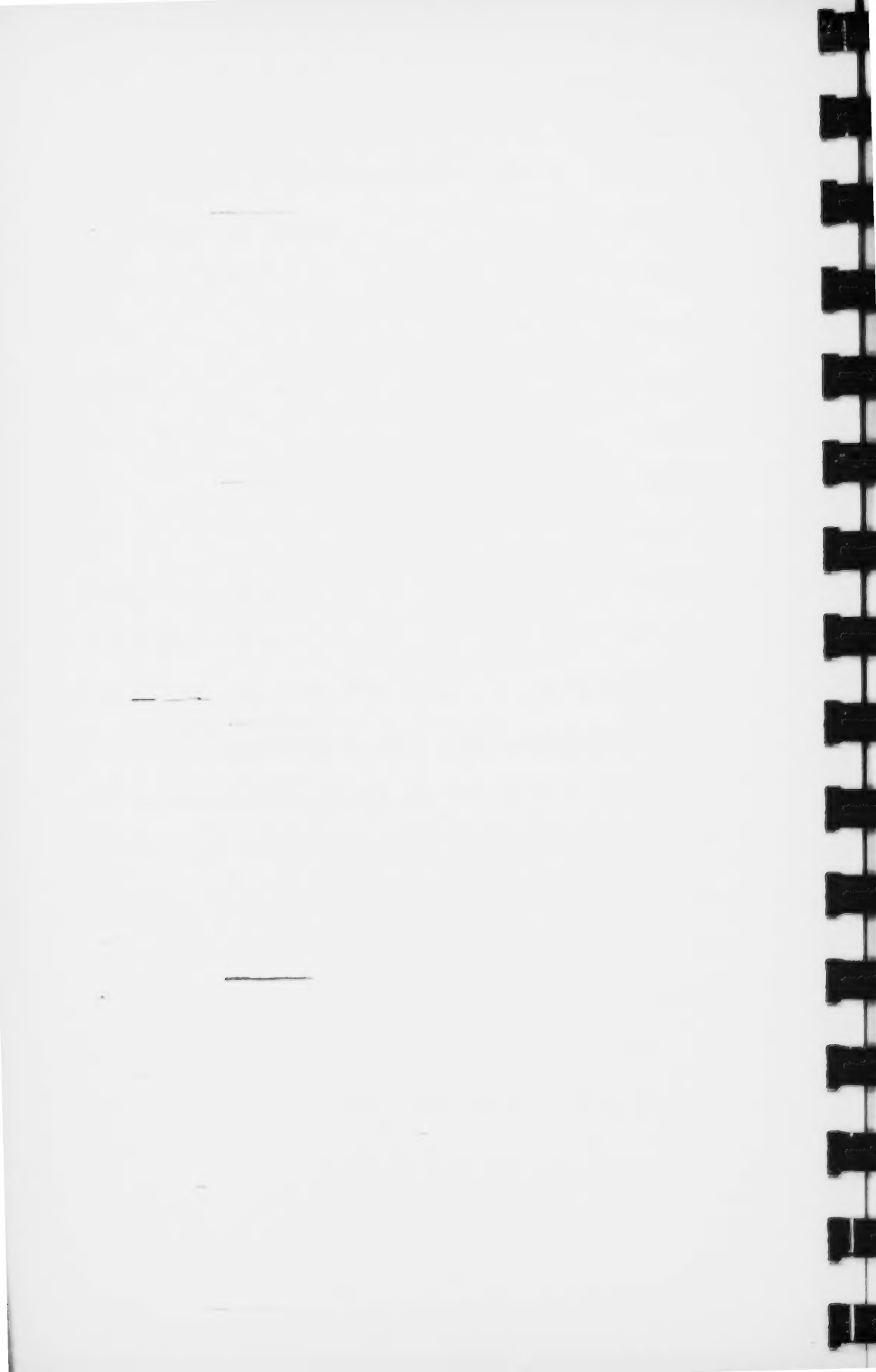
There is nothing in the record which establishes that the persons claimed are Masons or that they have conspired in any manner to deny religious or other rights to defendant. This court is not prepared to





judicially notice any of the claimed memberships or the consequences of such membership. Judicial notice must be exercised cautiously. If there is doubt about the notoriety of a fact, judicial recognition of it must be declined. *Endicott v. St. Regis Investment Co.*, 443 S.W.2d 122, 126 (Mo. 1969).

After the trial court set the motion for continuance for October 6, 1986, defendant moved that the motion hearing be rescheduled because it occurred during the Feast of Tabernacles and "the punishment for not keeping the Feast is death by stoning."<sup>3</sup> Defendant further alleged in his motion to reschedule the motion hearing date that he had "been commanded by God to keep this Feast under penalty of death and not to do so would be treasonous to God." How and when or by what authority he was so com-



manded is not explained.

On October 7, 1986, when this matter came on for trial, the judge was informed by plaintiff's attorney that defendant "spent the entire day yesterday in federal district court in Springfield." In his brief defendant acknowledges that was correct, but states that "October 6 is a festival day that I would not spend in court if I could prevent it, or if it wasn't an emergency." He states that the hearing in federal court was an emergency caused by the arrest of an acquaintance of his the previous week.

Defendant claimed that he could not appear in circuit court on October 6 due to penalty of death, but has acknowledged that he appeared in federal court that day, apparently without punishment. This, together with the variances in the dates of the Feast of Tabernacles as contained in



defendant's motion for continuance and his brief, and our research on those dates, casts doubt upon the defendant's claim that October 7, 1986 was a holy day and was of such significance that he could not have appeared. Moreover, even if it was a holy day defendant was not absolutely entitled to a different trial date.

When possible to do so without creating a serious disruption to the proceedings or to the court's schedule, a court should accommodate sincerely held religious beliefs. Unfortunately, it is not always feasible to accomodate those beliefs.

"Our heterogenous population embraces a multitude of different religions, sects, and cults having a great many days which are regarded as sacred or of special significance. It would not be possible for the courts to defer to them all without undue



interference with the administration of justice." *State v. Rosencrans*, 24 Wash.2d 775, 167 P.2d 170, 171 (1946). A person's moral or religious principles cannot be allowed to interfere with the court's proceedings. *Id.* See also *Philips v. Gratz*, 2 Pen. & W. 412, 416 (Pa. 1831) ("religious scruples...will receive all the indulgence that is compatible with the business of government", but continuance from sabbath is not a matter of right).

The grant or denial of a continuance lies within the legitimate discretion of the trial court. *Chapman v. St. Louis County Bank*, 649 S.W.2d 920, 922 (Mo.App 1983). It has not been established that the trial court abused its discretion here.

The judgement is affirmed

James K. Prewitt, Presiding Judge

Hogan, Flanigan and Maus, JJ., concur.





Filed October 23, 1987

William Cockrill, Clerk

Missouri Court of Appeals, Southern District

1 Barrister's Inn School of Common Law

GEORGE GORDON

P.O.BOX 297

ISABELLA, MO 65676

417-273-4967

## THE FEAST OF TABERNACLES

The Feast of Tabernacles, will be observed this year in Missouri by George Gordon teaching the everyday application of the 759 Biblical laws. Subjects covered will include healing our land, how to regain possession of your land, how to invoke God's protection, and God's end of the deal if you practice the law. Learn how to claim what land is rightfully yours, how to keep it off the tax rolls, and how to do so lawfully. The topics taught are the basis for justification and defending your 1st Amendment religious freedoms on the courtroom floor.

Congress recognizes the Bible as the foundation of the United States as is evident in Public Law 97-280 96 Stat. 1211.



The Supreme Court has recognized Article 1 of the Bill of Rights; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;..."

George exercised his Freedom of Speech to uphold Biblical Law in the 9th Federal District Court of Appeals, the second highest court in the land, on August 5, 1985. He presented his argument on the Right not to take an oath as we've been directed in James 5:12. The court upheld his presentation of Biblical Law.

No one can practice the Law because no one knows what the Law is. Who teaches the Law? Our ministers don't, the law schools nor the parochial schools do, the public schools cannot, and the lawyers don't even know it.

Hosea 4:6 My people are destroyed for the lack of knowledge...

George Gordon has not taught the Law prior to this Feast of Tabernacles. He has previously attempted to show his students that it is not being practiced, but this is the first time he will teach and show us how we've been misled and duped.

Proverbs 29:18 Where there is no vision, the people perish; but he that keepeth the law, happy is he.



The practice of Common Law has made the United States the most prosperous nation in the world in less than 150 years. Students that have been through our school in Missouri have discovered that they are practicing communists through ignorance of the law. Communism is not profitable nor is ignorance of the law.

Land Sabbaths, the Jubilee year, ownership of any land, and how to retain title to your farm will be discussed. Start practicing the law by observing the Feast of Tabernacles, leaving your permanent place of dwelling and learning the law. Deuteronomy 16:13-17.

I would like to have an advance registration and deposit as attendance will be limited. Call Jackie at (417) 273-4967 or mail your \$100 to P.O.Box 297, Isabella, Missouri, 65676. The admission for this seminar will be \$150 a single or \$185 a married couple. Children under 16 are free; unmarried children of the attending parents that are 16 to 21 are admitted for \$50 each. Practice one statute by bringing gold, silver, or other substance; Lev. 19:35.

Barrister's will provide transportation between the farm where classes are held, and the airport in Springfield, Missouri. There is babysitting available. Food and



housing are very reasonable in this part of the Ozarks, which is the Bass fishing capital of the world. Anglers Resort in Isabella rents kitchenettes with two double beds for only \$110 a week; their number is (417) 273-4967...and don't forget to mention the Gordons.

There will be a potluck picnic and reception on Sunday, September 29th at the farm starting at noon. Everyone's welcome.

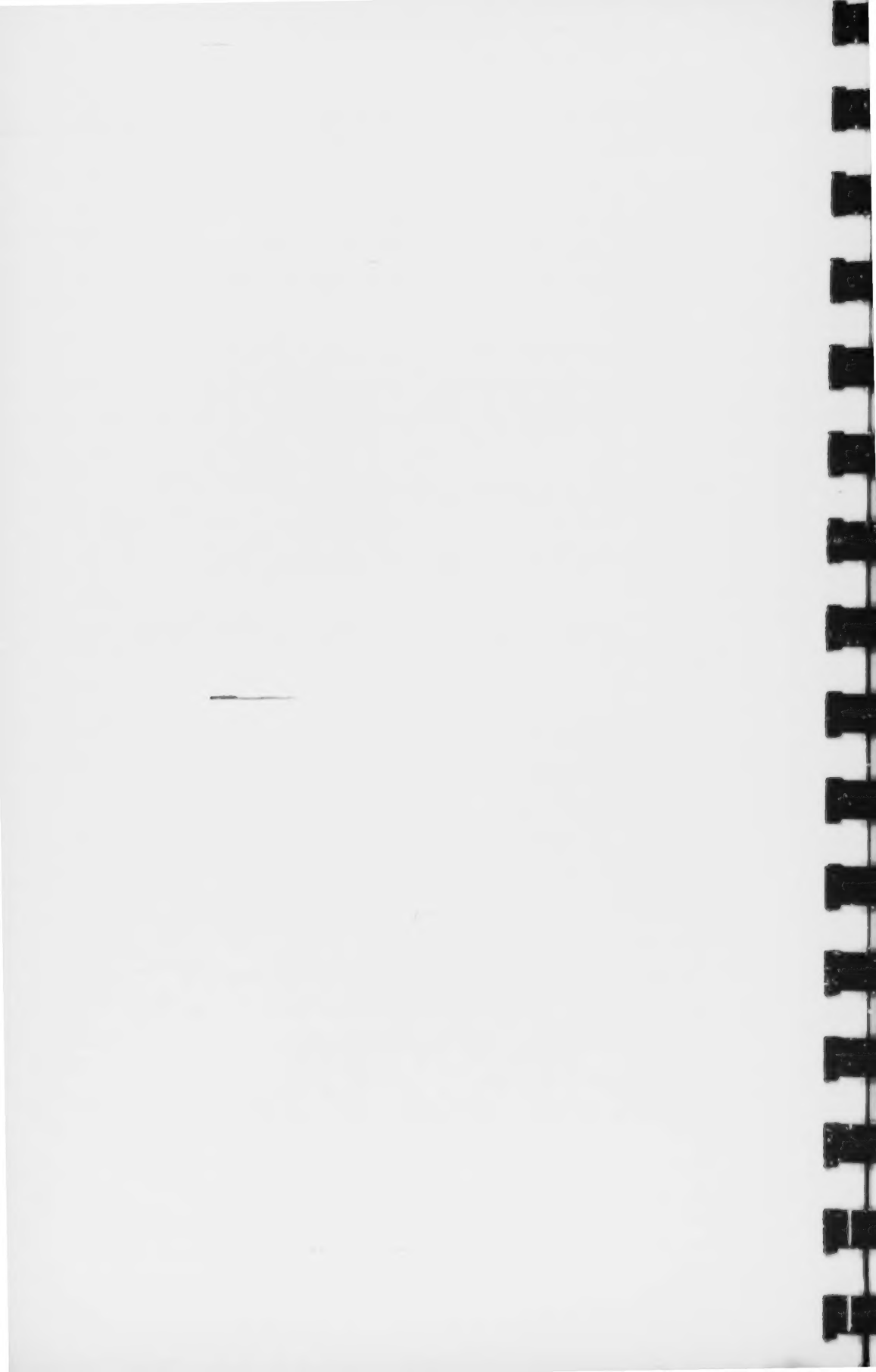
## 2 Defendant's brief states:

Here is their oath to one another:

On Page 183 of the "Mason Handbook" it says:

"Whenever you see any of our signs made by a brother Mason, and especially the Grand Hailing Sign of Distress, you must always be sure to obey them, even at the risk of your life. If you're on a jury, and the defendant is a Mason, and makes the Grand Hailing Sign, you must obey it; you must disagree with your brother jurors if necessary, but you must be sure not to bring the Mason guilty, for that would bring disgrace upon our order.

You must conceal all crimes of your





brother Masons, except murder and treason, and those at your own option, and should you be summoned as a witness against a brother Mason, be always sure to shield him. Prevaricate, don't tell the truth, keep his secrets, forget the important points. It may be perjury to do this it is true, but you're keeping your obligations."

On page 184 of the same book:

"If you cheat, wrong, or defraud any other society or individual, it is entirely your own business. If you cheat government even, Masonry cannot and will not touch you; but be very careful not to cheat, wrong, or defraud a brother Mason or lodge. Whoever else you may defraud, live up to your obligations."

The alleged book is not in the record nor does the record contain anything which would support these assertions

3 No citation is given for this punishment. For information on the feast generally see Leviticus 23:33-44; 2 The Interpreter's Bible 115-116 (1953).



OFFICE OF THE CLERK  
MISSOURI COURT OF APPEALS  
SOUTHERN DISTRICT  
Hammons Building  
300 Hammons Parkway  
SPRINGFIELD, MISSOURI 65806  
417-864-4770

William Cockrill, CLERK  
Connie Saladin, CHIEF DEPUTY CLERK  
Debbie Hubbs, DEPUTY CLERK

November 13, 1987

Mr. George Gordon  
P.O.Box 297  
Isabella, Mo. 65676

Exhibit "B"



Re: Patricia Gordon, Respondent  
vs. George Gordon, Appellant  
Case No. 14982-2

Dear Mr. Gordon:

Today the Court issued the following order:

"Now on this day, the Court, having fully considered Appellant's motion for rehearing does overrule said motion for rehearing."

Yours very truly,

William C. Cockrill, Clerk

WCC/sr

cc: Mr. John B. Jacobs, Jr.



OFFICE OF THE CLERK  
MISSOURI COURT OF APPEALS  
SOUTHERN DISTRICT  
Hammons Building  
300 Hammons Parkway  
SPRINGFIELD, MISSOURI 65806  
417-864-4770

William Cockrill, CLERK  
Connie Saladin, CHIEF DEPUTY CLERK  
Debbie Hubbs, DEPUTY CLERK

December 3, 1987

Mr. George Gordon  
P.O.Box 297  
Isabella, Mo. 65676

Exhibit "C"





Inre: Patricia Gordon v. George Gordon

Case No. 14982-2

Dear Mr. Gordon:

Today the Court issued the following order:

"Now on this day, the Court, having fully considered appellant's Motion to Transfer to Supreme Court of Missouri, does deny said motion as being presented beyond the time permitted by the Rules."

Yours very truly,

William C. Cockrill, Clerk

cs

cc: Mr. John B. Jacobs, Jr.



DOCKET SHEET  
CIRCUIT COURT  
HOWELL COUNTY, MISSOURI  
No. CV386-64DR

Nature of Action: URESA

Plaintiff or Petitioner: Patricia Gordon

Atty. for Plaintiff or Petitioner: John Jacobs

Defendant or Respondent: George Kay  
Gordon a/k/a George Kenneth Gordon

Atty for Defendant or Respondent: Pro Se

**Date - Orders of Court**

9/16/86 By Clerk: Motion to Reschedule  
Trial Date from October 7, 1986 and  
Asseveration filed

9/22/86 Motion set for hearing 10/6/86,  
Clerk to notify counsel and respondent.

Exhibit "D"



9/23/86 By Clerk: Order filed. Copy of Order furnished to John Jacobs and George Gordon.

9/24/86 By Clerk: Copy of letter to Judge Holstein from John Jacobs filed.

9/26/86 By Clerk: Letter to Judge Holstein from John Jacobs filed.

9/30/86 By Clerk: Letter to Judge Holstein from John Jacobs filed. Motion for Continuance and Rescheduling of Motion Hearing Date filed. Copy of letter to John Jacobs and George Gordon from Judge Holstein filed.

10/7/86 Motion for Continuance and Rescheduling of Hearing overruled. Petitioner appears by counsel. Respondent fails to appear. Evidence heard. Court enters judgement against respondent in the sum of \$10, 625 for back child support and he is further ordered to pay \$125 per child



per month in advance commencing October 1, 1986 and on the first of each month thereafter; judgement of child support ordered paid to Circuit Clerk of Howell County as trustee.

(rest of Docket Sheet involves transfer to  
Missouri Court of Appeals)